

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Dino Fleming**
Docket No. **267973**
L.C. No. **77-003191**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). The recent cases cited by appellant do not constitute a retroactive change in the law. Those cases only apply where a defendant has been sentenced under mandatory guidelines. Defendant was sentenced at a time when guidelines did not even exist.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 10 2006

Date

Sandra Schultz Mengel
Chief Clerk